

APPENDIX I **SCOPING REPORT**

PROPOSED LAND EXCHANGE **between** **U.S. DEPARTMENT OF THE INTERIOR** **BUREAU OF LAND MANAGEMENT** **and** **AGUA CALIENTE BAND OF CAHUILLA INDIANS**

The Bureau of Land Management (BLM) is proposing to exchange certain public lands within the Santa Rosa and San Jacinto Mountains National Monument (Monument) for nonfederal lands within the Monument that were purchased by the Agua Caliente Band of Cahuilla Indians (Tribe) expressly for this purpose. This scoping report addresses issues, impacts, and potential alternatives identified by agency staff and the public that will be analyzed in an environmental impact statement (EIS) to be prepared for the proposed land exchange.

INTRODUCTION

Purpose and Need for the Proposed Land Exchange

The purpose and need for land exchanges, in general, is to improve opportunities for the use or protection of public lands and to promote their effective and efficient management, provided that the public interest will be served by making such exchanges. When considering the public interest, full consideration is to be given to the needs of state and local people. The values of the nonfederal lands and the public objectives they could serve if acquired shall be equal to or exceed the values and public objectives of not undertaking an exchange and retaining the selected federal lands in federal ownership.

The proposed land exchange between the BLM and the Tribe, in reducing the extent of “checkerboard” landownership, would facilitate effective and efficient management of public lands by consolidating the land base. As expressed in the Monument’s management plan (2004), the exchange would provide the BLM and the Tribe with more logical and consistent land management responsibility in the Monument.

Appendix 1 of this scoping report identifies relevant statutory provisions, planning guidance, and management agreements to assist the public in understanding the basis of the proposed land exchange between the BLM and the Tribe.

Description of BLM and Tribal Lands Proposed for Exchange

As described in the Monument’s management plan (2004) and environmental assessment (EA) no. CA-060-0010-0005 (2010), the following federal lands are proposed for transfer to the Tribe:

- T.4S. R.4E.
 - section 16 (all)
 - section 17, W1/2NW1/4NE1/4, W1/2E1/2NW1/4NE1/4
 - section 18, W1/2NE1/4, N1/2NE1/4SW1/4, S1/2 of Lot 1, N1/2 of lot 2

- section 36, lots 1-4, W1/2NE1/4, W1/2SE1/4, E1/2SW1/4, SE1/4NW1/4, N1/2SW1/4SW1/4, E1/2NW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4
- T.5S. R.4E.
 - sections 5, 16, 21, 27, 29, 32, and 36 (all)

In exchange, the following Tribal lands would be transferred to the BLM:

- T.5S. R.5E.
 - sections 7 and 19 (all)
 - section 20, W1/2W1/2

The federal lands identified above total 5,799 acres; the Tribal lands identified above total 1,470 acres. Depending on appraised values, additional lands may be identified for transfer to the BLM in order to equalize values.

Notice of Exchange Proposal Involving Lands in Riverside County, California

On November 15, 22, and 29, and December 6, 2008, the BLM published a notice in *The Desert Sun* regarding its consideration of a proposal to exchange lands with the Tribe pursuant to section 206 of the Federal Land Policy and Management Act of 1976, as amended. The notice stated that the purpose of the land exchange is to consolidate the ownership of federal lands within the Santa Rosa and San Jacinto Mountains National Monument and to transfer certain lands to the Tribe, expecting to complete a series of exchange transactions to transfer all lands described in the notice. Interested parties were invited to submit comments concerning the proposed land exchange and provide notice of any liens, encumbrances, or claims on the lands involved. No comments were received.

Notice of Intent to Prepare a Draft Environmental Impact Statement

On February 10, 2012, the BLM published a notice in the *Federal Register* regarding its intent to prepare an environmental impact statement for the proposed land exchange between the BLM and the Tribe (77 FR 7179). The notice announced the beginning of the scoping process, invited public participation, and described how the time and place of public scoping meetings would be announced. It explained that the BLM was soliciting public input on the issues and impacts to be addressed in the EIS, as well as the extent to which those issues and impacts would be analyzed. The notice identified how written comments could be submitted by email or regular mail, indicating that all comments must be received no later than 30 days after the last public scoping meeting.

Description of the Scoping Process

Land exchange processing is often highly complex as the agency determines land values, weighs public interests, and effectively involves the public in the process. Regarding these matters, the BLM is required to comply with applicable statutes, regulations, and policies to ensure that the public interest is properly considered and protected in evaluating land exchange proposals.

Scoping is the process by which the BLM solicits internal and external input on the issues, impacts, and potential alternatives that will be addressed in an environmental impact statement or

environmental assessment, as well as the extent to which those issues and impacts will be analyzed in the National Environmental Policy Act (NEPA) document. As indicated above, the BLM determined that preparation of an EIS is necessary to address potentially significant effects of the proposed land exchange.

The notice of intent to prepare an EIS, which was published in the *Federal Register* on February 10, 2012, was followed by a news release on February 23, 2012 identifying public scoping meeting dates, times, and locations (BLM California Desert District news release no. CA-CDD-12-28). Notices of the public scoping meetings were published in *The Desert Sun* on March 8 and 9, 2012; a website article at www.kcet.org and an article in *The Desert Sun* about the proposed land exchange, including dates, times, and locations of the public scoping meetings, were published on March 14, 2012, and March 18, 2012, respectively; and an article about the first public scoping meeting, including details about the upcoming second meeting and how to submit public comments, appeared in *The Desert Sun* on March 23, 2012. Additionally, a notice regarding the March 22 and 27 public scoping meetings was sent to individuals and organizations that submitted comments on EA no. CA-060-0010-0005, as well as to other interested parties: approximately 140 notifications were sent via email message and about 120 via regular mail; some notices were sent to the same individuals via both email and regular mail.

Public scoping meetings were held at two locations in Palm Springs, California, on March 22 and 27, 2012: the Agua Caliente Spa Hotel and the BLM Palm Springs-South Coast Field Office, respectively. The public was provided a document that preliminarily identified issues extracted from public comments submitted to the BLM regarding EA no. CA-060-0010-0005, which addressed the proposed land exchange between the BLM and the Tribe; this EA was released for public review and comment on July 27, 2010. The primary purpose of the public scoping period, therefore, was to identify issues in addition to those extracted from public comments submitted in response to the EA. Each public meeting began with an historical overview of how checkerboard landownership came to exist, the purpose and need for the proposed land exchange, the purpose of public scoping, and opportunities for public participation in the NEPA process. Maps of the BLM and Tribal lands identified for exchange were available for review and taking home. The deadline for submitting public comments was announced as April 27, 2012.

Approximately 75 people attended the first public scoping meeting on March 22, 2012; about 50 people attended the second meeting on March 27, 2012. Oral comments were provided by 24 individuals, six of whom represented non-governmental organizations. In addition, the BLM received scoping comment letters and email messages from 62 individuals, five of whom represented non-governmental organizations and two who represented governmental entities, thereby supplementing the issues previously extracted from public comments submitted in response to the EA. Some individuals who provided comments on the EA also provided written and/or oral comments during the public scoping period (see appendix 2). Some oral and written comments were as brief as a few sentences; others were up to 14 pages long. Some offered substantive comments, while others conveyed a want or an opinion. They all indicated an interest in the management of public lands and resources.

While the Council of Environmental Quality's (CEQ) regulations at 40 CFR Parts 1500-1508 do not explicitly define the term "issue," the CEQ explains that issues may be identified through scoping and only significant issues must be the focus of the environmental document. Significant issues are those related to significant or potentially significant effects. "Significance" has specific meaning in the NEPA context. It is defined as effects of sufficient context and intensity that an

EIS is required. Specifically in accordance with 40 CFR § 1508.27, “significantly” as used in the NEPA requires considerations of both context and intensity:

- (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action such as the proposed land exchange, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.
- (b) Intensity. This refers to the severity of impact. The following should be considered in evaluating intensity:
 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.
 2. The degree to which the proposed action affects public health or safety.
 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critically areas.
 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
 10. Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Although the CEQ regulations refer to both significant effects and significant issues, the meaning of significance should not be interpreted differently for issues than for effects: significant issues are those issues that are related to significant or potentially significant effects.

For the purpose of analysis when preparing the EIS in conformance with the NEPA, **an issue**, as defined in BLM’s NEPA Handbook H-1790-1 (January 2008):

- has a cause and effect relationship with the proposed action or alternatives;
- is within the scope of the analysis;
- has not been decided by law, regulation, or previous decision; and
- is amenable to scientific analysis rather than conjecture.

While many concerns were raised during scoping for the proposed land exchange, not all of these concerns constitute issues that warrant analysis in the EIS. Analysis of the issues raised will occur if: (1) it is necessary to make a reasoned choice between alternatives, that is, if it relates to how the proposed action or alternatives respond to the purpose and need; and (2) the issue is significant (as described above), that is, it is associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine significance of impacts. When identifying issues to be analyzed, it is helpful to ask, “Is there disagreement about the best way to use a resource, or resolve an unwanted resource condition or potentially significant effects of the proposed land exchange or alternative?” If the answer is “yes,” it may be of benefit to subject the issue to analysis in the EIS.

Issues identified by the public and the BLM that conform to the definition of an issue or meet the analysis “criteria” as described above are presented below. In some instances, requests were made for clarification of the purpose and need for the proposed land exchange, or for an explanation of how the proposed land exchange conforms to the BLM’s land use plan. While such requests do not lend themselves to an analysis of environmental impacts, they are integral to preparation of an EIS; hence, they are identified as “issues” in the next section.

ISSUE SUMMARY

Summary of Public Comments

During the public comment period that occurred in 2010 for environmental assessment no. CA-060-0010-0005, which addressed environmental effects of the proposed land exchange between the BLM and the Tribe, the BLM received comments from 144 individuals, ten non-governmental organizations, and three governmental entities. During public scoping in 2012 in advance of preparing an EIS for the proposed land exchange, the BLM received comments from 62 individuals, seven of whom represented non-governmental organizations and two who represented governmental entities. Twenty-six of these individuals had previously provided comments on the EA (see appendix 2).

Consistent with the definition of an issue with respect to significance, as described above in the context of preparing an EIS in conformance with the NEPA, the following issues were identified from internal agency discussions, comments received from the public in 2010 regarding the EA, and during the public scoping period in 2012. Many comments are combined and summarized to limit the number of issue statements or questions, the intent being to reduce unnecessary complexity of this scoping report while retaining the public’s expressions of concern. While various nuances of issues were identified by the public, their treatment as separate issues would do little, if anything, to enhance environmental analyses in the EIS, which isn’t to say that they will not be addressed. Should certain nuances of the identified issues be overlooked during preparation of the draft EIS but deemed by the public as necessary to adequately evaluate the effects of the proposed action and alternatives on the human environment, the BLM would respond to comments submitted in this regard and modify the final EIS, as appropriate.

Issues are presented below in six subject categories.

1. Purpose and Need for the Proposed Land Exchange

How would the proposed land exchange and alternatives facilitate effective management of federal and Tribal lands through consolidation of lands and a reduction of checkerboard land ownership, particularly with respect to sections 16 and 36, T.4S. R.4E.? Conversely, how would continuation of current management as expressed in a no action alternative adversely affect the management of federal and Tribal lands?

How would the proposed land exchange and alternatives support the resource preservation goals identified in the Indian Canyons Master Plan and enhance implementation of the Tribal Habitat Conservation Plan?

How would the proposed land exchange and alternatives support the conservation of resource values in the project area?

2. Conformance with Statutes, Regulations, Policies, Plans, and Management Strategies

How do the proposed land exchange and alternatives conform to the Federal Land Policy and Management Act of 1976; the Santa Rosa and San Jacinto Mountains National Monument Act of 2000; the Omnibus Public Land Management Act of 2009; Secretarial Order No. 3308 regarding management of the National Landscape Conservation System (November 15, 2010); the BLM's 15-Year Strategy for the National Landscape Conservation System (2010-2025); BLM Manual 6220 regarding management of national monuments, national conservation areas, and similar designations (July 13, 2012); and the BLM-California's five-Year Strategy for National Conservation Lands (2013-2018), particularly with respect to protection of the resource values for which the Monument was designated?

How do the proposed land exchange and alternatives conform to the BLM's California Desert Conservation Area (CDCA) Plan, as amended, particularly with respect to the land tenure exchange and sale criteria described in the CDCA Plan Amendment for the Coachella Valley which establish that land exchanges and sales may be considered if they would, in part, result in a net benefit to conservation areas (which include the Santa Rosa and San Jacinto Mountains National Monument, and the Santa Rosa and San Jacinto Conservation Area established through the Coachella Valley Multiple Species Habitat Conservation Plan), not remove rare species nor their habitat, and not divest of public domain lands in a manner which eliminates a significant public benefit?

How does the Tribe's suspension of consultation with the U.S. Fish and Wildlife Service to acquire a section 10(a) permit under the Endangered Species Act for the Tribal Habitat Conservation Plan affect analyses in the EIS?

How would the disposal of section 36, T.5S. R.4E., within which the BLM determined through its CDCA Plan Amendment for the Coachella Valley that certain public lands were eligible for designation as a national wild and scenic river, conform to the plan amendment and be consistent with statutory requirements to protect the values which comprise the basis for the eligibility determination?

3. Development of Alternatives and Mitigation Measures

Will alternatives be developed that identify mitigation in the form of reserved federal rights or interests for public access to the exchanged lands, as well as variations of properties to be included in the exchange, such as BLM's retention of sections 16 and 36, T.4S. R.4E.?

Could conditions be incorporated in the title deed such that specific areas in the exchange parcels acquired by the Tribe will not be developed in order to protect Peninsular bighorn sheep and other species?

What are the advantages and disadvantages of ongoing coordinated management of the proposed exchange lands as would occur under the no action alternative?

4. Public Access to Trails

How would the management of lands acquired by the Tribe, pursuant to the Indian Canyons Master Plan and Tribal Habitat Conservation Plan, affect current and future public use and enjoyment of existing trails, acknowledging Tribal sovereignty over the lands it manages and the absence of a regulatory mechanism for public involvement in future decision-making processes.?

How would the trails management plan element of the Coachella Valley Multiple Species Habitat Conservation Plan be affected by the proposed land exchange and alternatives, particularly with respect to the public's access to trails that comprise the identified trail system, and construction of the proposed Garstin to Thielman perimeter trail and its use by hikers with dogs?

How will the qualitative characteristics of trails affected by the proposed land exchange and alternatives, such as aesthetics, variety, steepness, condition, and ecology that establish a trail's importance to the public, be addressed in the EIS?

How will the BLM ensure that the inventory of trails affected by the proposed land exchange and alternatives is complete for purposes of environmental analysis, including trails that have not previously been mapped but are currently used?

How would opportunities to hike cross-country and on "social" trails (i.e., trails established by use, not construction) be affected by the proposed land exchange and alternatives?

How would current and future levels of trail use be affected by the proposed land exchange and alternatives?

5. Protection of Threatened and Endangered Species

How would the proposed land exchange and alternatives support recovery of Peninsular bighorn sheep and protect its designated critical habitat, as well as support recovery of the desert tortoise, least Bell's vireo, and southwestern willow flycatcher, particularly considering foreseeable future management of the exchanged lands?

Upon exchanging lands as proposed or under one of the alternatives, how would Peninsular bighorn sheep and designated critical habitat be affected by recreational trail access, particularly during the lambing and water stress seasons?

How would the effects of climate change be addressed as it relates to the BLM's responsibility to provide for the recovery of threatened and endangered species?

6. Potential Development of Exchanged Lands

How would the proposed land exchange and alternatives affect potential development on the exchanged parcels, i.e., would the potential for development overall be increased, decreased, or remain the same?

How will potential development of the eastern portion of section 36, T.4S. R.4E., upon acquisition by the Tribe be addressed in the EIS, acknowledging the potential for development of private lands in the adjacent section (section 31, T.4S. R.5E.)?

Acknowledging Tribal sovereignty over lands managed by the Agua Caliente Band of Cahuilla Indians and the absence of a regulatory mechanism for public involvement in future decision-making processes, how will the EIS address potential future changes to the Indian Canyons Master Plan which, in part, establishes a framework for guiding conservation efforts and development, as well as address changes in land use allocations under the Tribal Habitat Conservation Plan that could increase or decrease levels of development and conservation through modification of the development/conservation ratios, particularly in the Mountains & Canyons Conservation Area?

Public Comments Not Construed as Issues

Commonly, the public expressed wants or opinions instead of identifying issues as described above for analysis in the EIS. Many comments submitted to the BLM did not have a cause and effect relationship with the proposed action; were not within the scope of the analysis; have already been decided by law, regulation, or previous decision; and are not amenable to scientific analysis, instead being conjecture. For example, many individuals urged that the BLM withdraw the proposal based on a perceived inequity in value of the proposed land exchange, asserting that the BLM lands identified for exchange far exceed the value of the Tribal lands. This is not an issue subject to analysis in the EIS, rather it is a matter that has already been decided by law and regulation, that is, application of an established land appraisal process must be followed by the BLM. The relative value of the exchange parcels in itself does not result in an impact to the human environment.

Related to the issue of exchange equity, an often expressed request was for the BLM to conduct an appraisal of the subject properties and make it available to the public to ascertain whether the proposed land exchange constitutes a benefit to the public. Again, this is not an issue subject to analysis in the EIS. While it may appear of value to conduct an appraisal and release the information to the public prior to a decision being rendered for the land exchange, approved Appraisal Service Directorate (ASD) appraisals and review reports are official records used by the BLM in setting the price and reaching agreement on realty transactions; they are internal documents that are not subject to public release until the BLM has taken action utilizing the information in the report. The appraisal report and appraisal review, however, must be made available when the notice of decision is issued pursuant to 43 CFR § 2201.7-1(a). The BLM authorized officer in consultation with ASD may release an appraisal and review report earlier on a case-by-case basis, though the earliest time an appraisal would be available for public review would be when the BLM documents the acceptance for agency use. Appraisals or appraisal review reports may contain confidential or proprietary business information and should be

managed in accordance with BLM Manual Section 1273—Vital Records, and Manual Section 1278—External Access to BLM Information. Confidential or proprietary information in an appraisal report would be redacted before releasing the report under the Freedom of Information Act or for public review.

A number of other comments identified aspects of environmental analyses that are required by statute, regulation, and policy, particularly the regulations at 40 CFR Parts 1500-1508 which constitute the Council on Environmental Quality's regulations for implementing the NEPA; the BLM's NEPA Handbook, H-1790-1 (January 2008) which was developed to assist the agency in complying with the CEQ's NEPA regulations; the regulations at 43 CFR Part 2200 which apply to processing land exchange proposals; and the BLM's Land Exchange Handbook H-2200-1 (August 2005) which contains specific instructions for processing land exchange proposals to help ensure that all regulatory standards are adhered to as a part of considering land exchange proposals. Therefore, in the realm of public scoping, statutory, regulatory, and policy requirements do not generally constitute issues that warrant their identification under the summary of issues above.

In some instances, commenters asserted that the BLM, to date, has failed to comply with a variety of applicable regulations as well as provisions of its land exchange handbook, suggesting that the agency should therefore abandon the land exchange process. Certain individuals asserted that BLM's environmental assessment no. CA-060-0010-0005, which was prepared to address the proposed land exchange and released for public review and comment in July 2010, was flawed for a variety of reasons, including the lack of an appraisal regarding fair market value of the exchange parcels. These commenters failed to acknowledge that based on public comments regarding the environmental assessment, in part, the BLM determined it is necessary to prepare an EIS; hence, the environmental assessment process achieved its purpose and will not constitute the basis for BLM's decision on the proposed land exchange.

The NEPA process is intended to help public officials make decisions that are based on understanding environmental consequences and take actions that protect, restore, and enhance the environment. Analysis and disclosure of the effects of a proposed action and alternatives are the underlying NEPA principles that move agencies toward achieving this goal. Whether a particular parcel is worth \$10,000 or \$100,000 is an appraisal issue, not an issue that relates to environmental consequences of the proposed action and alternatives; hence, comments in this regard do not constitute issues to be addressed in the context of preparing an EIS. Rather, they are opinions based on interpretations of regulations and the land exchange handbook to be addressed in a different context.

A number of individuals petitioned for the removal of sections 16 and 36, T.4S. R.4E., from the land exchange proposal, citing the importance of trails in these sections for outdoor recreation and the potential for large-scale development on private lands adjacent to section 36 which could adversely affect recreational opportunities. It was suggested that upon acquisition of sections 16 and 36 by the Tribe, public access to them could be limited or precluded—assumptions were made that the Tribe might close trails that are currently open for public use, require a fee for the use of trails that are currently free, and/or restrict access to certain times of the day or seasons of the year for trails that are currently open with no temporal restrictions. It was also suggested that the eastern half of section 36 could be developed in concert with the adjacent private lands. While it would be inappropriate to remove consideration of these sections from the proposed land exchange altogether—it cannot be reasonably assumed that the public's position is universal in this regard—at least one alternative will be developed that does not include one or both in the

exchange. Issues regarding the effects to recreation and public access emanating from an exchange of these sections, as well as issues pertaining to potential development of section 36, have been included above in the summary of issues.

Finally, some individuals suggested that all Tribal lands within the Santa Rosa and San Jacinto Mountains National Monument be transferred into public ownership or control, all lands be designated as federal wilderness or as a national park, or all lands be used to create an international park. Further, it is suggested that such alternatives be proposed, considered, and fully discussed in the EIS. Such considerations are outside the scope of analysis for the proposed land exchange as they would require enactment of a law or laws by the U.S. Congress. Hence, they do not constitute issues to be addressed in the EIS.

NEXT STEPS FOR PUBLIC INVOLVEMENT

Based on comments submitted to the BLM during the public scoping period and identification of issues as summarized in this report, preparation of a draft EIS will occur in accordance with statutory, regulatory, and policy requirements. The draft EIS will be released for public review and comment, anticipated during the first half of 2014.

It should be noted that during the scoping period in advance of preparing a draft EIS, some individuals commented on the adequacy of environmental assessment no. CA-060-0010-0005 with respect to regulatory compliance with provisions of the NEPA. While these comments were not summarized as issues in this report because they address a document that will not be the basis for the decision-making process, they will be considered during development of the EIS to ensure that public concerns with adequacy of the NEPA document are addressed.

Upon publication of the draft EIS, the public will be afforded an opportunity to determine whether the issues they raised during the public scoping period were addressed; whether the draft EIS complies with applicable statutes, regulations and policies; and whether the proposed land exchange conforms to applicable land use plans. The final EIS will reflect comments submitted on the draft EIS, as appropriate. Upon issuance of the final EIS, including the various reports required to support a land exchange, and the proposed record of decision, the public has another opportunity to determine whether the agency has complied with regulatory processes in reaching its decision, and if the public interest has been properly considered and protected in evaluating the proposed land exchange. Should the public believe that the agency has failed in this regard, the proposed decision may be administratively challenged, i.e., it may be protested. Instructions for filing protests will be provided with the proposed decision.

SCOPING REPORT APPENDIX 1

BACKGROUND

This section of the scoping report provides context to assist the public in understanding the basis of the proposed land exchange between the BLM and the Tribe, including statutory provisions, planning guidance, and relevant agreements, which are identified in chronological order.

1876-1877: Establishment of the Agua Caliente Indian Reservation

The Agua Caliente Indian Reservation (Reservation) was established by Executive Orders in 1876 and 1877. On May 15, 1876, President Ulysses S. Grant withdrew from sale and set apart the following lands as the Reservation: section 14 (all), the east half of the southeast quarter of section 22, and the northeast quarter of section 22, T.4S., R.4E., San Bernardino Meridian. On September 29, 1877, President Rutherford B. Hayes expanded the Reservation by withdrawing from sale and settlement and setting apart the following lands: all even-numbered sections in, and all unsurveyed portions of, T.4S., R.4E.; T.4S., R.5E.; and T.5S., R.4E, except for sections 16 and 36 and any tract or tracts the title to which have passed out of the United States Government.

Some of the lands withdrawn for the Reservation were subsequently conveyed in a series of trust patents and in some cases Indian fee patents. One section was withdrawn, conveyed in an Indian fee patent, and later purchased by BLM with Land and Water Conservation Fund appropriations (section 32, T.5S. R.4E.).

1976: Federal Land Policy and Management Act of 1976, as amended

The Federal Land Policy and Management Act of 1976 (Public Law 94-579, 43 U.S.C. 1701 et seq.) constitutes the BLM's "organic act," thereby establishing the manner in which the public lands are to be managed, to include protecting the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.

Section 206 of FLPMA provides that a tract of public land or interests therein may be disposed of by exchange where the Secretary of the Interior determines that the public interest will be well served by making that exchange, provided that when considering the public interest the Secretary shall give full consideration to better federal land management and the needs of state and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife, and the Secretary finds that the values and the objectives which federal lands or interests to be conveyed may serve if retained in federal ownership are not more than the values of the nonfederal lands or interests and the public objectives they could serve if acquired.

Section 601 of FLPMA established the California Desert Conservation Area (CDCA) and required the Secretary of the Interior to prepare and implement a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the CDCA.

1980: California Desert Conservation Area Plan, as amended

The California Desert Conservation Area Plan was approved in 1980, and has been regularly amended. The plan, where it addresses land tenure adjustments, declares that intermingled land ownership patterns in much of the CDCA make management difficult for BLM and other federal agencies, as well as state and local agencies, Indian reservations, and private landowners. Selected land exchanges will be required to improve the opportunities for use or protection of all lands in the desert, and to promote effective management of public lands administered by the BLM.

The plan further states that land exchanges, acquisitions, and disposals are necessary for effective and efficient land management in the CDCA. Private or state-owned parcels within areas designated in the plan that are sensitive or unique will require acquisition through exchange or purchases, unless the management of those resources is assured by another appropriate agency or entity. Additionally, BLM-managed land mixed in with mostly private land is difficult to manage due to access problems, lack of identified boundaries, and cost efficiency. These isolated and scattered parcels (where they do not contain legally protected species of plants or animals and cultural artifacts or affect Native American cultural values) will eventually be disposed.

The CDCA Plan Amendment for the Coachella Valley (2002) established specific criteria to be applied in evaluating the suitability of land exchanges and sales (see below).

1999: Cooperative Agreement between Bureau of Land Management and Agua Caliente Band of Cahuilla Indians

On October 13, 1999, a cooperative agreement was entered into between the U.S. Department of the Interior-Bureau of Land Management and the Agua Caliente Band of Cahuilla Indians to coordinate and cooperate in management of federal lands within and outside the external boundaries of the Agua Caliente Indian Reservation where it occurs within the proposed Santa Rosa and San Jacinto Mountains National Monument. This relationship provides for more consistent, effective, and collaborative management of these lands.

This agreement provided the foundation for entering into a memorandum of understanding (MOU) between the BLM and the Tribe addressing the opportunity for the Tribe to acquire federal lands pursuant to the authorities provided under section 206 of the Federal Land Policy and Management Act of 1976, as amended. The BLM and the Tribe agreed to meet at least annually to identify specific resource management, land tenure adjustment, and joint management goals to include implementation of a memorandum of understanding for acquisition and exchange of lands within the proposed national monument.

1999: Memorandum of Understanding between Bureau of Land Management and Agua Caliente Band of Cahuilla Indians for Acquisition and Exchange of Lands within the Proposed Santa Rosa and San Jacinto Mountains National Monument

On October 13, 1999, a memorandum of understanding was entered into between the BLM and the Tribe to clarify the government-to-government relationship that exists with respect to BLM lands that are within both the Reservation and the proposed national monument, and establish a framework for cooperation concerning acquisition and exchange of non-trust Tribal lands. Specifically, the BLM and the Tribe agreed to jointly identify opportunities to exchange BLM-administered public land parcels and non-trust Tribal land parcels.

2000: Establishment of the Santa Rosa and San Jacinto Mountains National Monument

On October 24, 2000, the Santa Rosa and San Jacinto Mountains National Monument was established by Public Law 106-351 (16 U.S.C. 431 note). Section 4(c) of the designating legislation provided that the Secretary of the Interior and the Secretary of Agriculture, consistent with the management plan to be prepared for the Monument and existing authorities, may enter into cooperative agreements and shared management arrangements with any person, including the Agua Caliente Band of Cahuilla Indians, for the purposes of management, interpretation, and research and education regarding resources of the Monument. Section 6(e) of the designating legislation, in order to support the cooperative management agreement in effect with the Agua Caliente Band of Cahuilla Indians, provided that the Secretary of the Interior may, without further authorization by law, exchange lands which the BLM has acquired using funds provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.), with the Agua Caliente Band of Cahuilla Indians. Further, any such land exchange may include the exchange of federally owned property within or outside the Monument boundaries for property owned by the Tribe within or outside the Monument boundaries.

Section 4 of the statute required the Secretary of the Interior and the Secretary of Agriculture to complete a management plan for the conservation and protection of the Monument consistent with the statute, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), and other applicable provisions of law.

2001: Feasibility Report, Exchange of Lands within the Santa Rosa and San Jacinto Mountains National Monument with the Agua Caliente Band of Cahuilla Indians

On July 24, 2001, the BLM completed a feasibility report for the proposed land exchange, citing the Tribe's desire to acquire public lands which are intermixed with lands in the Reservation. The selected federal lands were identified as being within the Monument and intermixed with lands of the Reservation. Valid existing rights (none) and rights-of-way (three) on the federal lands were addressed. The report cited the Tribe's offer to purchase and transfer to the U.S. private lands within the Monument, and identified the areas of highest priority in which these lands would be purchased. The BLM concluded that the exchange would assure more efficient management of the public lands, provide consistency in desert-wide land use patterns, protect resource values consistent with the purposes for which the Monument was established, and result in long-term public benefits of consolidation of ownership by facilitating greater accessibility to the public lands and reducing the potential for development incompatible with public land management objectives.

A supplement to the feasibility report was approved by the BLM on September 25, 2001. It established the need for a multiple-transaction assembled land exchange, anticipating at least three exchange transactions in order to transfer all of the federal lands to the Tribe. Since the value of each transaction was unknown at the time, a desire to have the flexibility of a ledger account to carry forward any imbalances in value was expressed. The supplement reiterated that the proposed exchange is clearly in the public interest because it would consolidate federal ownership of lands in the Monument, thereby allowing the BLM to better manage the federal lands to protect habitat for the endangered Peninsular bighorn sheep and enhance recreational

opportunities. It acknowledged the Tribe having agreed to manage the federal lands it receives to preserve their biological, cultural, recreational, and scientific values.

2002: Indian Canyons Master Plan

In January 2002, the Agua Caliente Band of Cahuilla Indians adopted the original Indian Canyons Master Plan as the land use master plan for all lands within the Indian Canyons Heritage Park and all surrounding allotted trust and fee properties within the Tribe's land use jurisdiction. It outlines the Tribe's goals and objectives for the Indian Canyons and establishes a framework for guiding future land acquisitions, natural and cultural resource conservation efforts, recreation improvements, and development within the Indian Canyons planning area. A comprehensive update of the master plan was adopted by the Tribe on March 25, 2008. The current 2008 master plan provides for lower development densities and allows less recreational development than envisioned in the 2002 plan.

The boundaries of the Indian Canyons Master Plan planning area include all of Township 5 South, Range 4 East. When determining the boundaries of the planning area, two key objectives were considered: (1) prevent the introduction of incompatible land uses within the prime resource area of the Indian Canyons Heritage Park, and (2) protect the valuable natural, cultural, and scenic resources. Specifically, the master plan recommends that key properties be acquired to prevent potential incompatible development which would compromise the land's natural integrity and degrade cultural resources.

With respect to trails, the master plan acknowledges that an extensive trail system currently exists in the Indian Canyons and surrounding areas, and indicates that future proposals for new trails providing connectivity to adjacent public lands should consider management prescriptions established for those lands through the trails management plan for the Santa Rosa and San Jacinto Mountains, an element of the Coachella Valley Multiple Species Habitat Conservation Plan.

2002: Agreement to Initiate a Land Exchange

On August 9, 2002, the BLM and the Tribe entered into an agreement to initiate and complete an assembled land exchange pursuant to the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (16 U.S.C. 431) and the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 et seq.). The agreement outlined responsibilities of the BLM and the Tribe, and addressed other matters such as hazardous substances, physical access/right to enter, compensation for assumption of costs, parameters of the assembled land exchange, closing individual escrows, time frame for the first transaction, ability to amend the agreement, and the non-binding nature of the agreement. It also identified specific federal lands proposed for exchange and estimated values of the lands that were expected to be transferred to the Tribe in the first transaction, as well as nonfederal lands expected to be transferred to the BLM in the first transaction upon acquisition by the Tribe—legal title had not been obtained to these lands as of the date of the agreement.

On June 23, 2003, a supplement to the agreement to initiate an assembled land exchange was approved by the BLM and the Tribe. The supplement was necessary as the Tribe had acquired legal title to the offered lands described in the August 9, 2002 agreement, and the BLM and the Tribe wished to update the schedule of tasks for completing the first exchange transaction, including each party's respective responsibilities and costs. It identified specific lands expected to be transferred in the first transaction in order to narrow the scope of work for required documents,

such as land appraisals, and reports addressing mineral potential, cultural resources, and biological values. The supplement included the revised processing schedule, responsibilities of the BLM and the Tribe, and estimated costs. It also estimated values of federal and Tribal lands anticipated to be transferred in the first transaction:

- Federal lands in T.4S. R.4E. (excepting sections 16 and 36 which were not proposed for inclusion in the first transaction) have a total estimated value of \$70,000.
- Federal lands in T.5S. R.4E. (excepting section 36 which could be included in the first transaction if necessary to equalize values) have a total estimated value of \$1,344,000.
- Total estimated value of the parcels identified above is \$1,414,000.
- Nonfederal lands purchased by the Tribe in T.5S. R.5E. have a total estimated value of \$1,360,000.
- Federal lands in T.5S. R.4E. (section 36) which could be included in the first transaction if necessary to equalize values have a total estimated value of \$224,000.
- If the estimated values for lands in T.4S. R.4E. (excepting sections 16 and 36) and T.5S. R.4E. (excepting section 36) accurately reflect current market values, section 36 (T.5S. R.4E.) would not be included in the first transaction to equalize values since the total value of the selected federal lands (see the first two bullets above) exceeds the total value of the offered nonfederal lands (see fourth bullet above).

(Estimated values were based on the most recent appraisal information, but may not reflect current market value for exchange purposes.)

2002: California Desert Conservation Area Plan Amendment for the Coachella Valley

On December 27, 2002, the BLM approved the California Desert Conservation Area Plan Amendment for the Coachella Valley which (1) provides for multiple use and sustainable development of the public lands while making progress towards healthy, properly functioning ecosystems; (2) provides for the recovery of federal and state listed species; (3) manages sensitive species to avoid future listing; (4) provides recreational opportunities on public lands; (5) makes available mineral and energy resources on public lands; and (6) facilitates land management consistency, management effectiveness, and cost efficiency across jurisdictional boundaries through collaboration with local governments of the Coachella Valley, State and other federal agencies, Indian tribes, and private entities.

Section 2.4.9 of the plan amendment establishes criteria to be applied in evaluating the suitability of land exchanges and sales. Land exchanges and sales may be considered if they would:

- facilitate effective and efficient management of conservation areas—the term “conservation areas” refers to areas with a special designation in order to protect biological resources, such as areas of critical environmental concern, wildlife habitat management areas, wilderness areas, the Santa Rosa and San Jacinto Mountains National Monument, and conservation areas established through the Coachella Valley Multiple Species Habitat Conservation Plan;
- be conducted in coordination with the local jurisdictions;
- would result in a net benefit to the conservation areas or divert intensive uses away from sensitive areas;
- not remove rare species nor their habitat, nor remove rare habitat types from conservation management;

- not remove eligible historic properties from conservation management; and
- not divest of public domain lands in a manner which eliminates a significant public benefit.

2004: Santa Rosa and San Jacinto Mountains National Monument Management Plan

The Santa Rosa and San Jacinto Mountains National Monument Management Plan was approved on February 5, 2004. It provides management guidance and identifies land use decisions to be implemented for the management of public lands in the Monument, including amendments to the CDCA Plan for specific program areas. One decision amending the BLM's CDCA Plan pertains to a land acquisition strategy. The following criteria were adopted to supplement existing BLM and Forest Service acquisition policies:

- Strategic significance. Agencies may have different priorities based on their specific missions. Among factors that may be significant to one agency or another are biological resource values such as lambing habitats or water sources for bighorn sheep, right-of-way needs for trails, or other access purposes, geological values, and cultural resource values. The Coachella Valley Multiple Species Habitat Conservation Plan identifies the areas with high biological value and delineates trails alignments.
- Threat level. Areas within the Monument where there is a threat of development or a potential for a land use conflict are of high priority.
- Opportunity. Lands sometimes become available for acquisition through a tax sale agreement with the county tax collector. Other lands may be offered as a donation or sale at below market value if the owner wishes to seek tax credits or tax deductions. Such opportunities enable acquisitions to be made at relatively little cost.
- Funding availability. Various agencies have access to a number of funding sources that typically have restrictions as to where or for what purposes the funds can be used.

The Monument's management plan indicated that the proposed land exchange would provide the BLM and the Tribe with more logical and consistent land management responsibility in the Monument, and identified the following federal lands for transfer to the Tribe:

- T.4S. R.4E.
 - section 16 (all)
 - section 17, W1/2NW1/4NE1/4, W1/2E1/2NW1/4NE1/4
 - section 18, W1/2NE1/4, N1/2NE1/4SW1/4, S1/2 of Lot 1, N1/2 of lot 2
 - section 36, lots 1-4, W1/2NE1/4, W1/2SE1/4, E1/2SW1/4, SE1/4NW1/4, N1/2SW1/4SW1/4, E1/2NW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4
- T.5S. R.4E.
 - sections 5, 16, 21, 27, 29, 32, and 36 (all)

In exchange, the following Tribal lands would be transferred to the BLM:

- T.5S. R.5E.
 - sections 7 and 19 (all)
 - section 20, W1/2W1/2

The plan indicated that depending on appraised values, additional lands may be identified for transfer to the BLM.

2008: Coachella Valley Multiple Species Habitat Conservation Plan

On October 1, 2008, with issuance of permits by the U.S. Fish and Wildlife Service and the California Department of Fish and Game (now California Department of Fish and Wildlife), the Coachella Valley Multiple Species Habitat Conservation Plan, which was prepared by the Coachella Valley Association of Governments, became operational. The plan provides a regional vision for balanced growth to meet the requirements of federal and state endangered species laws, while promoting enhanced opportunities for recreation, tourism, and job growth. The plan established 21 conservation areas, which comprise six reserve management units; reserve management unit number 6 consists solely of the Santa Rosa and San Jacinto Mountains Conservation Area, which is completely contained within the Santa Rosa and San Jacinto Mountains National Monument. The habitat conservation plan also required that reserve management unit plans be prepared for each reserve management unit to define specific management actions, schedules, and responsibilities.

The habitat conservation plan includes a multi-jurisdictional trails management plan for the Santa Rosa and San Jacinto Mountains. Although the BLM is not subject to commitments made through the habitat conservation plan, the agency: (1) prepared the California Desert Conservation Area Plan Amendment for the Coachella Valley (2002) in tandem with the habitat conservation plan in order to provide the framework for those implementation actions which will support the landscape-level approach to conservation and provide for community needs; (2) participated as a cooperator in development of the trails management plan element of the habitat conservation plan; and (3) may utilize the environmental impact report/environmental impact statement prepared for the habitat conservation plan as the basis for its activity-level decision for the management of trails in the Santa Rosa and San Jacinto Mountains. As of 2013, the BLM has not issued its decision for the federal lands component of the trails management plan, which includes trails on lands identified for exchange with the Tribe. Nevertheless, the trails management plan is in the process of being revised.

2009: Tribal Land Use Ordinance

On July 14, 2009, the Agua Caliente Band of Cahuilla Indians adopted its Tribal Land Use Ordinance, which is applicable to all development, public and private, within areas of the Agua Caliente Indian Reservation not covered under a land use agreement between the Tribe and a local jurisdiction. It was adopted to promote the public health, safety, and general welfare of residents and visitors to the Agua Caliente Indian Reservation. The land use ordinance establishes minimum requirements for the issuance of any permit, certificate, or development approval within the Reservation.

2009: Management Agreement between Agua Caliente Band of Cahuilla Indians and Bureau of Land Management for Management of Exchange Lands

On November 11, 2009, the Tribe and the BLM entered into an agreement to address management of the exchange lands contained within sections 16 and 36, T.4S. R.4E., proposed for transfer to the Tribe by the BLM. The Tribe agreed to manage the exchange lands as part of the existing Tribal reserves established pursuant to section 3(c) of the Act of September 3, 1959 (73 Stat 603), and in accordance with the resource preservation goals of the Indian Canyons

Master Plan (ICMP) and the habitat preservation requirements of the Tribal Habitat Conservation Plan (THCP). The Tribe agreed that sections 16 and 36 would remain accessible and subject to the reasonable use and enjoyment by the general public. Any rules and regulations adopted by the Tribe regarding the public's use and enjoyment of the exchange lands shall conform to and be consistent with the policies and guidelines of the ICMP and the THCP, and with similar measures now in effect regarding Tribal reserves. Concessions in or upon the exchange lands may be granted by the Tribe if they are consistent with provisions of the ICMP and the THCP, but shall not be granted if they would exploit these lands or resources for commercial purposes.

2010: Environmental Assessment CA-060-0010-0005

On July 27, 2010, the BLM released environmental assessment no. CA-060-0010-0005—which addressed environmental effects of the proposed land exchange between the BLM and the Tribe—for public review and comment. The initial deadline for submitting comments was September 15, 2010; it was subsequently extended on two occasions, ultimately closing on November 19, 2010.

Comments were received from 144 individuals, ten organizations, and three governmental entities. Based on public comments and upon further internal review, it was determined that preparation of an environmental impact statement is necessary to address potentially significant effects of the proposed land exchange. The BLM's evaluation of potential significance of the effects was consistent with the regulations at Title 40 Code of Federal Regulations (CFR) § 1508.27 (also see *Description of the Scoping Process* above regarding “significantly” as used in the NEPA). In reaching the determination to prepare an EIS, consideration was given to location of the proposed action within the Santa Rosa and San Jacinto Mountains National Monument, its proximity to the Palm Canyon Creek National Wild and Scenic River, the inclusion of designated critical habitat for the endangered population of bighorn sheep occupying the Peninsular Ranges of California, the absence of a regulatory mechanism for public participation in future decision-making processes affecting lands transferred to the Tribe, and the high level of controversy stimulated by the proposal.

2010: Tribal Habitat Conservation Plan

On November 2, 2010, the Agua Caliente Band of Cahuilla Indians approved its Tribal Habitat Conservation Plan to provide the means for protecting and contributing to the conservation of wildlife species federally listed as threatened or endangered, and species deemed by the Tribe and U.S. Fish and Wildlife Service to be sensitive and potentially listed in the future. The plan provides mechanisms to permit and guide development, serves as an adaptive management tool for updating and/or revising baseline biological resource information and management conservation goals and priorities, and complements other existing and planned conservation efforts in the region.

The THCP divides the Agua Caliente Indian Reservation into two distinct areas: the Valley Floor Planning Area and the Mountains & Canyons Conservation Area. In the Valley Floor Planning Area, the goal is to conserve 1,455 acres with one acre being conserved for every four acres of development; additional restrictions would be imposed near the base of the mountains to protect Peninsular bighorn sheep. In the Mountains & Canyons Conservation Area, the goal is to conserve 17,403 acres with 5.67 acres being conserved for every one acre of development; 85% of this conservation area would be conserved, thereby allowing 15% of development in the mountains, though no net loss of riparian areas and palm groves would be allowed. The plan

avoids impacts to Peninsular bighorn sheep lambing and use areas, with 100% conservation of identified lambing areas; maintains a bighorn sheep movement corridor between the San Jacinto Mountains and Northern Santa Rosa Mountains; and establishes a 1/4-mile buffer around water sources.

2010: Secretarial Order No. 3308: Management of the National Landscape Conservation System

On November 15, 2010, the Secretary of the Interior issued order no. 3308 to further the purposes of the Omnibus Public Land Management Act of 2009, which established the National Landscape Conservation System (NLCS) under the jurisdiction of the BLM in order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, and the President's initiative on America's Great Outdoors.

Key elements of the order relative to the proposed land exchange between the BLM and the Tribe are as follows:

- The NLCS components shall be managed as an integral part of the larger landscape, in collaboration with the neighboring land owners and surrounding communities, to maintain biodiversity, and promote ecological connectivity and resilience in the face of climate change.
- Components of the NLCS shall be managed to offer visitors the adventure of experiencing natural, cultural, and historic landscapes through self-directed discovery.
- The NLCS shall serve as a place to build and sustain diverse communities of partners and volunteers dedicated to conserving, protecting, restoring, and interpreting our natural and cultural heritage.
- The NLCS shall recognize the importance of a diversity of viewpoints when considering management options. Accordingly, the NLCS shall be managed from an interdisciplinary perspective. In so doing, the NLCS shall draw upon the expertise of specialists throughout the BLM, in coordination with the tribes, other federal, state, and local government agencies, interested landowners, adjacent communities, and other public and private interests.

2011: The National Landscape Conservation System: 15-Year Strategy 2010-2025

On October 13, 2011, the BLM released a 15-year strategy to guide National Landscape Conservation System (NLCS) land management efforts in coming years. The new NLCS strategy supports the BLM's multiple-use mission by ensuring that NLCS management will focus on conservation, while still allowing for other compatible uses, consistent with the designating legislation or presidential proclamation. In addition to conservation, the strategy emphasizes continued collaboration, public involvement, and youth engagement. The Santa Rosa and San Jacinto Mountains National Monument is a unit of the NLCS.

Among the four themes identified in the strategy, the first and second themes are particularly relevant to the proposed land exchange between the BLM and the Tribe: *Ensuring the Conservation, Protection, and Restoration of NLCS Values*, and *Collaboratively Managing the NLCS as Part of the Larger Landscape*. Since the NLCS represents a small portion of the land managed by the BLM and other federal, state, tribal, and local government entities, these special conservation areas must be managed within the context of the larger landscape. By establishing connections across boundaries with other jurisdictions, management of NLCS areas will

complement conservation areas within the respective jurisdictions. Taking a collaborative landscape approach to NLCS management provides better opportunities to promote healthy landscapes and contribute to the local economy and social fabric of the community.

Goals identified under the first theme of the strategy include:

- Clearly communicate that the conservation, protection, and restoration of NLCS values is the highest priority in NLCS planning and management, consistent with the designating legislation or presidential proclamation.
- Limit discretionary uses to those compatible with the conservation, protection, and restoration of the values for which NLCS lands were designated.
- Provide for public access and opportunities.

Goals identified under the second theme of the strategy include:

- Maintain or increase habitat connectivity with other important habitat areas to provide for sustainable populations of native species.
- Manage cultural resources within the context of the cultural landscape and adjoining lands to provide the greatest conservation benefit.
- Engage tribal, local, state, and other federal government agencies and members of the public at the earliest opportunity possible in NLCS planning, management, and resource and geospatial data sharing.
- Work with partners and communities to understand the effects of NLCS management and planning on adjacent lands, including social, economic, and ecological impacts.
- Give higher priority to land acquisitions that enhance ecological connectivity and protect nationally significant landscapes that have outstanding cultural, ecological, and scientific values.

2012: Reserve Management Unit Plan, Santa Rosa and San Jacinto Mountains Conservation Area

As described above, the Coachella Valley Multiple Species Habitat Conservation Plan established 21 conservation areas, which comprise six reserve management units; reserve management unit number 6 consists solely of the Santa Rosa and San Jacinto Mountains Conservation Area, which is completely contained within the Santa Rosa and San Jacinto Mountains National Monument. The habitat conservation plan also required that reserve management unit plans be prepared for each reserve management unit to define specific management actions, schedules, and responsibilities.

The reserve management unit plan for the Santa Rosa and San Jacinto Mountains Conservation Area was approved in January 2012 by the Coachella Valley Conservation Commission, a joint powers authority established to implement the habitat conservation plan. The reserve management unit plan acknowledges that public access is covered extensively in section 7 of the habitat conservation plan and should be referred to for specific management and planning decisions as they relate to trails (see www.cvmshcp.org).

2012: BLM-California's Five-Year Strategy for National Conservation Lands, 2013-1018

BLM-California's five-year strategy tiers, or steps down, from the national 15-year management strategy. Actions to implement BLM-wide actions listed in the national strategy, as well as California-specific actions based on the national framework, are identified. BLM-California's five-year strategy advances the four main themes and priority goals developed in the national strategy.

2012: BLM Manual 6220 – Management of National Monuments, National Conservation Areas, and Similar Designations

On July 13, 2012, the BLM approved Manual 6220 to provide line managers and program staff professionals with general policies for the administration and management of national monuments, national conservation areas (NCA), and similar designations that are components of the BLM's National Landscape Conservation System (NLCS) pursuant to the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202), section 2002(b)(2)(E). The Santa Rosa and San Jacinto Mountains National Monument is a unit of the NLCS and, therefore, subject to the policies established in manual 6220. Included among the numerous policies identified in the manual, the BLM, when establishing priorities for acquisition of lands and other interests within or adjacent to monument and NCA boundaries, will emphasize lands that would enhance the objects and values for which the NLCS unit was designated and lands with significant at-risk resources. Further, the BLM will strive to retain ownership of public land within monuments and NCAs unless otherwise provided for in law (section 1.6H(1) and (2))

In addition, monuments and NCAs will be available for a variety of recreation opportunities, consistent with the purposes for which each area was designated. Where recreation values are identified in the designating legislation or proclamation, these values will be conserved, protected, and restored pursuant to the establishing authority.

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SCOPING REPORT APPENDIX 2
SCOPING PARTICIPANTS

This appendix identifies individuals, organizations, and governmental entities that submitted written comments on environmental assessment no. CA-060-0010-0005, which addressed the proposed land exchange between the BLM and the Tribe; this EA was released for public review and comment on July 27, 2010. It also identifies individuals, organizations, and governmental entities that submitted oral and/or written comments during the public scoping period in advance of preparing the environmental impact statement. Oral comments were provided at the March 22 and/or March 27, 2012 public scoping meetings. Personal contact information is not provided.

[Note: If an individual did not include his/her name or the name is illegible, he/she is identified as “unknown.” Where a name is somewhat legible, an attempt is made to spell it, though it may be inaccurate. If the individual’s city of residence or organizational address is not identified, the entry in the “city” column is left blank; all cities are in California unless otherwise identified. Organization names are provided where individual indicates he/she represents the organization. If an individual indicates he/she is a member of an organization only, the organization’s name is not shown. An asterisk identifies individuals who submitted comments on EA no. CA-060-0010-0005 *and* during the public scoping period.]

Table 1: Individuals submitting comments on EA No. CA-060-0010-0005

Name	Organization	City	Letter	Email
Alwood, David				X
Anderson, Christy*		Indian Wells	X	
Aniello, Peter*		Redlands		X
Arredondo, Jonathan		Desert Hot Springs	X	
Baker, Dixie		Palm Springs	X	
Baker, Duane*		Palm Springs	X	
Ballen, Brad		Sky Valley	X	
Barlow, Mary	Desert Trails Hiking Club			X
Barsman, Rachel	Sierra Club	San Diego		X
Belenky, Lisa*	Ctr for Biological Diversity	San Francisco	X	X
Beltran, Ceila			X	
Benoit, John	County of Riverside, 4 th Dist	Palm Desert	X	
Beyar, Michael		Palm Desert	X	
Blackmore, Norma		Palm Desert	X	
Blaeloch, Janine	Western Lands Project	Seattle, WA	X	
Boggs, Russell			X	X
Boyd, Florian		Palm Springs	X	
Bradford, Donald*		Palm Springs		X
Brady, Thomas		Rancho Mirage	X	
Braun, Bill		Palm Springs	X	
Braun, Ingrid*		Palm Springs	X	
Burnsted, Robert		Rancho Mirage	X	
Burt, Charles		Palm Springs	X	
Buswell, Justin				X
Carlson, ---		Palm Desert	X	
Castro, Miguel				X

Name	Organization	City	Letter	Email
Challis, Ian		Palm Springs	X	
Chappell, Alishia		Cathedral City	X	
Clark, Thomas		Cathedral City	X	
Coleman, Ellen		Riverside	X	
Connelly, Scott*		Palm Springs	X	X
Conrad, Tracy*	Smoke Tree Ranch	Palm Springs		X
Courtney, Barbara				X
Crites, Buford		Palm Desert	X	
Crocker, Mark		Palm Springs	X	
Crumley, Roger		Santa Ana	X	
D'Alessio, Italo		San Diego		X
Datta, Kaustuv				X
Day, Janie		Cathedral City	X	
Dempsey, Alfred		Palm Desert	X	
Dent, David		Portland, OR	X	
Dent, Marilyn		Portland, OR	X	
Dumas, Roger		Rancho Cucamonga	X	X
Dynes, Ryan		Oceanside		X
Evans, Douglas	Desert Riders Trail Fund	Palm Springs	X	
Ewing, Craig	City of Palm Springs	Palm Springs	X	X
Fausset, Steve		La Mesa		X
Ferranti, Philip				X
Flavin, Robert		Palm Springs	X	
Fletcher, Sharon	Desert Bicycle Club	Palm Desert	X	
Foley, Thomas		Palm Desert	X	
Ford, Tracey			X	
Forster, Gary*		Palm Springs	X	
Frey, Charles		Rescue		X
Frick, Michael			X	
Kees, Karen		Poway		X
Ganly, Win		Palm Desert	X	
Gardner, Grady	San Diego Mtn. Biking Assoc			X
Genett, Donna*		Palm Springs	X	
Gerber, Lance		La Quinta	X	
Goodman, Don				X
Gorretta, Carl		Rancho Mirage		X
Green, Bill				X
Hague, Bob*		Cathedral City	X	
Hague, Diana*		Cathedral City	X	
Hall, Gregory		San Marcos	X	X
Harman, Nan		La Quinta	X	
Harman, Reed		La Quinta	X	
Harris, David		Upland	X	
Henderson, Peta		Palm Springs	X	
Hernandez, Celia			X	
Hollinger, Taina		Palm Springs	X	
Holstad, Darold		Desert Hot Springs	X	X

Name	Organization	City	Letter	Email
Horvath, Greg		La Jolla		X
Irish-Re, Christine		Colton	X	
Jarvinen, Rich		Indio	X	X
Johnson, Daniel		Palm Springs	X	
Koenig, Sheila*		Cathedral City		X
Lacote, Jerome		San Diego		X
Lahtinen, Lee		Rancho Mirage	X	
Lantz, Ben		Mountain Center	X	
Larson, Eric		Palm Springs	X	
Larson, Patricia		Palm Springs	X	X
Latus, Mary		Palm Springs	X	
Lewis, Cutler*		Palm Springs	X	
Liguori, Robin				X
Lockwood, Steven		Palm Springs		X
Luansing-Aguilar, Tara		San Diego	X	X
Lueders, Gary*	Desert Trails Coalition	Rancho Mirage	X	
Mack, Mary Bono	45 th Congressional District	California	X	
Martin, Joan*		Palm Springs	X	
Matthews, Heidi		Bend, OR	X	X
McNellis, Carla				X
Meerloo, Timo		San Diego		X
Meyer, Michael		Palm Desert	X	
Migliore, Joseph		Cathedral City	X	
Mikuteit, Rob		San Diego		X
Miller, John		Palm Desert	X	
Mills, Mike		Palm Desert	X	
Morgan, Jeff*		Rancho Mirage	X	
Morley, Sally		Temecula		X
Myers, Christine		Rancho Mirage		X
Neal, Kevin				X
Nisbet, Charles*	Coachella Vllly Hiking Club	Palm Springs	X	
Nisbet, Charles*	Desert Trails Coalition	Palm Springs	X	
Nixon, Brian		San Diego		X
Owen, Mike		Palm Springs	X	
Palka, John		La Mesa		X
Peregrin, Kathy*		Palm Desert	X	
Peregrin, Richard		Palm Desert	X	X
Pollock, Frank		Palm Springs	X	
Pougnet, Stephen*	City of Palm Springs	Palm Springs	X	
Price, Contessa		La Quinta	X	
Quill, Dori		La Quinta	X	
Raab, Robert		San Diego		X
Reynolds, Dan		Cathedral City	X	
Riddell, John			X	
Rieder, Don		Canada	X	
Rieder, Dot		Canada	X	
Riley, Esther		Indio	X	

Name	Organization	City	Letter	Email
Roos, David		Palm Springs	X	
Rosslar, David		Cathedral City	X	
Rother, John*		La Quinta	X	
Schlecht, James	Smoke Tree Ranch	Palm Springs	X	
Schmedt, Christian		San Diego		X
Scott, Scott		Palm Springs		X
Selzer, Kay		Palm Springs	X	
Selzer, Paul		Palm Springs	X	
Settle, Mary		La Quinta	X	
Shands, Bond		Palm Springs	X	X
Silvers, Dan*				X
Sledzinski, Ted		San Diego		X
Slerysut, John		Palm Springs	X	
Smolik, Mike				X
Snyder, Shawn		Palm Springs	X	
Sollberger, Evan		San Diego	X	X
Solomon, Abby		Palm Springs	X	
Stadelmann, Mirjam		Yucaipa	X	
Stern, Eileen*		Palm Springs	X	X
Stock-Brady, Heide		Rancho Mirage	X	
Taff, Roger		Palm Springs	X	
Taylor, Joan*	Sierra Club	Palm Springs	X	
Tee, David		Banning	X	
Thomas, Cecil			X	
Tirpak, Frank		San Diego		X
Tjader, Richars		Barrington, RI		X
Toas, Sam				X
Tsutsui, Kim				X
Unknown		Cathedral City	X	
Unknown		Palm Springs		X
Valvo, Mario		Rancho Mirage	X	
Virgiel, Katharine		Palm Springs	X	
Walling, Michael				X
Wang, Haiyin				X
Wascher, Peter*		Palm Springs	X	
Wattenbarger, Jeff				X
Williams, Cynthia*		Cathedral City	X	
Willinger, Ellen		Palm Springs	X	
Winbigler, Randy		Cathedral City	X	
Van Zandt, Elizabeth		Indio	X	X
Zien, Richard		Palm Springs	X	

Table 2: Individuals submitting comments during public scoping period

Name	Organization	City	Letter	Email	Oral
Alm, Erik					
Anderson, Christy*		Indian Wells		X	
Anderson, Walt		Palm Springs		X	
Aniello, Peter*		Redlands		X	
Baker, Duane*		Chelan, WA	X		X
Belenky, Lisa*	Ctr for Biological Diversity	San Francisco		X	
Bradford, Donald*		Palm Springs		X	
Braun, Ingrid*		Palm Springs			X
Collier, Brendan		Idyllwild			X
Connelly, Scott*		Palm Springs	X	X	X
Conrad, Tracy*	Smoke Tree Ranch	Palm Springs		X	
Ehrhardt, Paul		Palm Springs		X	
Ellenbogen, Eric		Palm Springs		X	
Ewoldsen, Hans		Palm Springs		X	
Faipeus, Connie					X
Fine, Jeffrey					X
Finnan, Mary		Canada		X	
Forster, Gary*		Palm Springs			X
Fuchs, Steven		Palm Desert		X	
Jones, Lee		Palm Springs		X	
Krueper, Ron	California State Parks	Perris		X	
Gainer, Vic	Save Murray Pk & Skyline Tr	Palm Springs	X		X
Garrett, Kenneth		San Diego	X	X	
Genett, Donna*		Palm Springs			X
Gettis, Robert					X
Gomez, Dan				X	
Gonzales, Vincent					X
Guth, Christopher				X	
Hague, Bob*		Cathedral City		X	
Hague, Diana*		Cathedral City		X	
Karpiak, Jim		San Francisco		X	
Knott, Everett		Desert Hot Springs	X		X
Koenig, Sheila*		Cathedral City	X		
Lewis, Cutler*		Palm Springs		X	
Liguori, Larry	CV Hiking Club	Palm Springs			X
Lueders, Gary*	Desert Trails Coalition	Rancho Mirage		X	X
Maples, Robert				X	
Martin, Joan*		Palm Springs			X
McLain, Elaine		Palm Springs			X
Moir, Allison					X
Morgan, Jeff*		Rancho Mirage	X	X	X
Neuhauser, Alice		Manhattan Beach		X	
Nisbet, Charles*	Desert Trails Coalition	Palm Springs	X		
Omberg, Ed		Rancho Mirage		X	
Peregrin, Kathy*		Palm Desert	X		
Pougnet, Stephen*	City of Palm Springs	Palm Springs	X	X	

Name	Organization	City	Letter	Email	Oral
Rother, John*		La Quinta			X
Silvers, Dan*				X	
Solomon, Stephen				X	
Sparks, Lyle		Palm Springs		X	
Stern, Eileen*		Palm Springs		X	
Swerman, Karen				X	
Swerman, Sid				X	
Taylor, Joan*	Sierra Club	Palm Springs			X
Theriault, Dave		Joshua Tree	X		
Tobey, Elisabeth				X	
Unknown			X		
Wascher, Peter*		Palm Springs		X	X
Wharton, Richard		San Diego	X		
Williams, Cynthia*		Cathedral City			X
Wolfe, Dave					X
Wood, Richard		Palm Desert		X	X

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